

REMARKS

In response to the Final Office Action mailed December 8, 2009 ("the Office Action"), Applicants respectfully request reconsideration and reexamination of this application, removal of the rejections outlined below, and the timely allowance of the pending claims.

Status of the Claims

Claims 20-34 are pending in the application. Claims 1-19 were cancelled previously. By this amendment, Applicants amend claims 20 and 28. Accordingly, claims 20-34 remain for examination.

Rejection of Claims Under 35 U.S.C. § 102(b) and 103(a): Navas

Section 102(b) Rejection

The Examiner has rejected claims 20, 21, 24, 25, 28, 31, and 32 under 35 U.S.C. § 102(b) as allegedly being anticipated by Navas. Office Action at p. 2. Applicants traverse the section 102(b) rejection of claims 20, 21, 24, 25, 28, 31, and 32, and respectfully request withdrawal of the rejection for at least the following reasons.

To anticipate a claim, "[t]he identical invention must be shown in as complete detail as is contained in the... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989); see MPEP 2131. As amended, claim 20 of the present application claims a device including the following (emphasis added):

a second rod portion having a first elongated body and an enlarged end portion, wherein the enlarged end portion is positioned within the cylindrical body portion and configured

to pivot within the cylindrical body portion to adjust the alignment of the second rod portion with respect to a longitudinal axis of the cylindrical body portion, and wherein the first elongated body extends in a second direction opposite the first direction and passes through an opening in the cylindrical body portion second end, the opening in the cylindrical body portion second end having a width that is less than a width of the enlarged end portion but is greater than a width of the first elongated body;

Similarly, claim 28 recites a method including the following (emphasis added):

wherein the enlarged end portion is configured to pivot within the cylindrical body portion to adjust the alignment of the second rod portion with respect to a longitudinal axis of the cylindrical body portion.

Nowhere does Navas disclose such a device or method, and thus, Navas cannot anticipate claims 20 and 28.

The Office Action contends that Navas discloses “a second rod (30) having an elongated body... and an enlarged head portion (3) positioned within the cylindrical body[.]” Office Action at p. 2. The Office Action further alleges that Navas discloses a device “capable of allowing the second rod to bend, i.e. translate within the opening, with respect to the cylindrical body.” However, in contrast to Navas, claims 20 and 28 recite an enlarged end portion “configured to pivot within the cylindrical body portion to adjust the alignment of the second rod portion with respect to a longitudinal axis of the cylindrical body portion[.]” Navas only discloses in which “an enlarged end portion” cannot “pivot within [a] cylindrical body portion to adjust the alignment of [a] second rod portion with respect to a longitudinal axis of the cylindrical body portion[.]” In Navas’s device, no portion of piston 3 or rod 30 can “pivot within” cylinder 1 “to adjust the alignment of [rod 30] with respect to a longitudinal axis of” cylinder 1. Every figure of Navas’s device depicts rod 30 passing through openings (e.g., 20) with a diameter just

large enough to permit rod 30 to pass through perpendicular to cover 2 and parallel to the long axis of cylinder 1. See Navas at Figs. 1, 2, and 4. Nowhere does Navas disclose, teach, or suggest a device configured such piston 3 could “pivot within” cylinder 1 “to adjust the alignment of [rod 30] with respect to a longitudinal axis of” cylinder 1. Thus, as Navas fails to disclose, teach, or suggest a device in which an enlarged end portion can “pivot within [a] cylindrical body portion to adjust the alignment of [a] second rod portion with respect to a longitudinal axis of the cylindrical body portion [.]” Navas cannot anticipate claim 13.

Furthermore, modifying the device of Navas such that a portion of piston 3 or rod 30 can “pivot within” cylinder 1 “to adjust the alignment of [rod 30] with respect to a longitudinal axis of” cylinder 1 would not have been obvious to one of ordinary skill in the art, because such a modification would be inconsistent with additional aspects of the Navas device. The Navas device is specifically designed for supporting only uniaxial translation of rod 30 and piston 3 with respect to cylinder 1. See Navas at col. 2, ll. 31-35, and Figs. 1, 2, and 4. Navas only describes embodiments configured “so as to ensure good guiding of the piston in the bore 12 of [the] cylinder 1[.]” *Id.* at col. 2, ll. 18-19. Navas explains that “good guiding” can be ensured when “the height of the piston 3 is large with respect to the length of the cylinder 1,” or in the alternative, when “rod 30 is secured to a tubular cage 7 via its bottom 70, the skirt 71 of this cage sliding closely with respect to the outside of the cylinder 1.” *Id.* at col. 2, ll. 17-18, and col. 3, ll. 28-33. These configurations necessarily prevent piston 3 from being able to “pivot within” the bore of the cylinder “to adjust the alignment of [rod 30] with respect to a longitudinal axis of” cylinder 1. Further, because the rod 30 of Navas is fixed to piston 3, rod 30 is also

incapable of pivoting "with respect to a longitudinal axis of" cylinder 1. Consequently, since the device of Navas is specifically designed to prevent pivoting of piston 3 and rod 30 within cylinder 1, it would not have been obvious to modify the device of Navas to permit piston 3 and rod 30 to pivot within cylinder 1 "to adjust the alignment of [rod 30] with respect to a longitudinal axis of" cylinder 1.

Therefore, for at least the reasons discussed above, claims 20 and 28 are neither anticipated by, nor rendered obvious over, Navas, and the rejection of these claims should be withdrawn. Furthermore, as claims 21, 24, and 25 depend from claim 20 and claims 31 and 32 depend from claim 28, these claims are also not anticipated by, nor render obvious over, Navas for at least the same reasons.

Section 103(a) Rejection

The Examiner has rejected claims 22, 26, 29, and 33 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Navas. Office Action at p. 3. Applicants traverse the section 103(a) rejection of claims 22, 26, 29, and 33, and respectfully request withdrawal of the rejection for at least the following reasons.

As discussed above, claims 20 and 28 are not obvious over Navas, because Navas fails to disclose, teach, or suggest a device in which an enlarged end portion can "pivot within [a] cylindrical body portion to adjust the alignment of [a] second rod portion with respect to a longitudinal axis of the cylindrical body portion [,]" and in fact, modifying the Navas device in this way would be inconsistent with additional aspects of the device. Since claims 22 and 26 depend from independent claim 20, and since claims 29 and 33 depend from independent claim 28, these claims are likewise not unpatentable over Navas for at least the same reasons. Therefore, it is respectfully

submitted that claims 22, 26, 29, and 33 are patentable over Navas, and that the section 103(a) rejection of these claims should be withdrawn.

Rejection of Claims Under 35 U.S.C. § 103(a): Navas, Alby, and Belogour

The Examiner has rejected claims 23 and 30 as allegedly being unpatentable over Navas in view of Alby, and claims 27 and 34 as allegedly being unpatentable over Navas in view of Belogour. Office Action at pp. 4 and 5. Applicants respectfully traverse these section 103(a) rejections and request withdrawal of these rejections for at least the following reasons.

Claims 23 and 30 are not obvious over Navas in view of Alby, and claims 27 and 34 are not obvious over Navas in view of Belogour, because the references, both alone and in their respective combinations, fail to disclose, teach, or suggest all of the claimed elements/limitations. Since claims 23 and 27 depend from independent claim 20, and since claims 30 and 34 depend from independent claim 28, all elements of the respective independent claims are required by the dependant claims. As discussed above, Navas fails to disclose, teach, or suggest all elements of independent claims 20 and 28, because Navas fails to disclose, teach, or suggest a device in which an enlarged end portion can “pivot within [a] cylindrical body portion to adjust the alignment of [a] second rod portion with respect to a longitudinal axis of the cylindrical body portion [.]” Moreover, as discussed above in greater detail, it would not have been obvious to one of ordinary skill in the art to modify the device of Navas to include such features, because doing so would have been inconsistent with additional features of the Navas device. Further, Alby and Belogour do not remedy these deficiencies. Consequently,

claims 23, 27, 30, and 34 are patentable over the respectively cited references, and the section 103(a) rejections of these claims should be withdrawn.

Applicants need not and do not address the Examiner's contentions with respect to Alby, Belogour, and certain elements of certain claims. By not addressing those contentions, Applicants in no way acquiesce to them.

Conclusion

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In discussing the claims in this Response, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification, abstract, or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

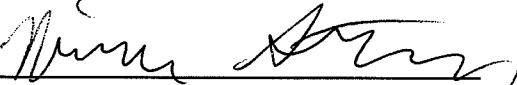
Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

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Respectfully submitted,

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